

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:18cr109-MHT
)	(WO)
ANTONIO OSCAR TATUM)	

OPINION AND ORDER

Defendant Antonio Oscar Tatum was sentenced to 100 months of imprisonment on July 25, 2019. See Judgment (doc. no. 154). The court recommended that Tatum be designated to a facility where "intensive drug treatment, mental health treatment, and vocational training are available." *Id.* The court also recommended that Tatum be assigned to a facility where the Residential Drug Abuse Program (RDAP) is available. See *id.*

On October 24, 2019, Tatum filed a motion for this court to enforce its facility recommendation (doc. no. 171). He also filed a "Notice of Contempt of Court" (doc. no. 172), again seeking placement in a facility offering RDAP and other mental-health services. The

court is treating the notice as a motion for contempt.

Tatum, in short, seeks enforcement of the court's recommendations regarding his treatment and the location of his incarceration. But the Bureau of Prisons is not *required* to follow these recommendations. See 18 U.S.C. § 3621(b); see also, e.g., *United States v. Anderson*, No. 4:12CR59-RH/CAS, 2014 WL 897005, at *2 (N.D. Fla. Mar. 5, 2014) (Hinkle, J.) ("Where to hold a prisoner is an issue for the Bureau of Prisons in the first instance. The court's recommendation is only a recommendation."). Because the recommendations are not mandatory for the Bureau of Prisons, the court is unable to enforce them.

Accordingly, it is ORDERED that:

(1) Defendant Antonio Oscar Tatum's motion to force the Bureau of Prisons to comply (doc. no. 171) is denied.

(2) Defendant Tatum's "Notice of Contempt of Court

(doc. no. 172) is treated as a motion for contempt and
said motion is denied.

DONE, this the 25th day of October, 2019.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE